

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MID PACIFIC REGION
SACRAMENTO CA

Finding of No Significant Impact

**Section 108 Lake Forest Erosion Control Project –
Area B
Placer County, California**

Prepared by:

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9/29/09

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FONSI No.

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BACKGROUND

The Bureau of Reclamation (Reclamation) has adopted an environmental assessment prepared in March 2009 by the U.S. Army Corps of Engineers (Corps) on a plan by the the State of California Tahoe Conservancy (CTC) and the Corps to implement the Lake Forest Erosion Control Project–Area B (LFECP). This project will restore 35 acres of Stream Environment Zone (SEZ), as well as 1500 linear feet of aquatic habitat which have been altered and degraded from their pre-1960s condition. In addition to restoring SEZs, proposed improvements within the project area include the retrofitting of Placer County right-of-ways (ROW) with appropriate best management practices (BMPs), updating stream-flow conveyance structures, and the creation of additional recreation amenities/facilities. The project will result in the restoration of 35 acres of wet meadow habitat. Reclamation is providing partial funding for the project.

Due to residential and commercial/industrial land development beginning in the 1960s, this hydrologic system has been degraded and altered. The natural sediment transport and retention functions associated with these creeks under a stable hydrologic condition have been lost due to development, resulting in increased sediment discharge to Lake Tahoe. The water quality treatment functions associated with historic wetland complexes have been greatly decreased. Additionally, ecologically-valuable habitat which was previously supported by the area's streams and meadows has been degraded.

These efforts will help preserve Lake Tahoe water quality and provide wildlife habitat. The LFECP is located in Placer County, California, on the northeastern shore of Lake Tahoe, two to three miles east of Tahoe City along State Route 28. The project area includes portions of Polaris and Lake Forest Creek SEZ, and is situated within an area of mixed property ownership and land use including: residential, commercial, and publicly owned properties.

FINDINGS

According to the National Environmental Policy Act (NEPA) and consistent with the EA, the Mid-Pacific Regional Office of Reclamation has determined that the proposed action is not a major Federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not required for carrying out the proposed action. The EA written by the Corps meets the requirements of Section 46.320 (Adopting EAs) of the Department of the Interior's NEPA Regulations. The EA complies with the Council of Environmental Quality's NEPA Regulations and other requirements such as the Endangered Species Act, the National Historic Preservation Act, and local and State requirements (see below). It meets Reclamation's public involvement requirements.

The following factors support this determination:

1. The proposed action will not have direct or indirect effects on land use. Construction activities involved in the project will be consistent with the Tahoe Regional Planning

Agency's (TRPA) Plan Area Statements, permitted land uses, and management strategies, as well as Placer County ordinances. Project work will be consistent with the conservation plans of agencies which own public lands associated with the project.

2. The proposed action will not significantly affect noise. There are no noise-sensitive land uses in the project area; sensitive receptors include nearby residents, occasional visitors, and wildlife. During construction, Placer County will be required to be in compliance with all TRPA and Placer County noise ordinances. Construction activities will only be permitted between 8:00 am to 6:30 pm on a Monday through Friday basis, and heavy construction equipment will be operated with appropriate muffling technologies. These measures will limit the temporary noise effects generated by LFECP activities to a less-than-significant level.

3. The proposed action will not adversely affect threatened or endangered species. Based on field surveys, wildlife occurrence records and current management documents, there are no known special status species occupying the LFECP.

Species such as the Lahontan cutthroat trout and mountain yellow-legged frog are not known to occur within the project site, do not have suitable habitat within the project site, and will not experience adverse affects due to LFECP activities. Suitable habitat for the fisher may exist within portions of the project area away from development, although the fisher is not known to occupy the project area. Potential effects to the fisher will be minimal and temporary, and the fisher's mobility will allow it to temporarily avoid effects and continue to utilize nearby suitable habitat in surrounding areas. For the Tahoe yellow-cress which is not listed but is a candidate species, mitigation measures will be taken during construction to reduce the risk of effects to a level of less than significance. The effects and mitigation measures have been coordinated with and agreed to by the Fish and Wildlife Service.

4. The proposed action will not significantly affect biological resources. Vegetation not slated for clearing and any vegetation of particular concern will be avoided and protected with construction fencing. All areas which are subjected to vegetation clearing will be revegetated subsequent to completion of construction activities.

The surface clearing of vegetation will include the removal of an estimated 9 trees that will be considered "heritage trees" as they will have trunk diameters greater than 30 inches.. An estimated 57 smaller, less mature trees will also be removed. Prior to proposed removal of trees, a tree removal permit will be obtained from TRPA. Upon project completion and successful vegetation establishment, 35 acres of SEZ will have been restored.

Construction will be timed to avoid destruction of active bird nests or young of birds that breed in the area to the greatest extent possible while also considering that the construction work season in the Lake Tahoe region is already limited. When such avoidance is not feasible, a qualified biologist will survey the area prior to initiation of construction. If an active nest is located during a survey or during construction, a

qualified biologist will delineate a protective buffer area, and that area will be avoided to prevent disturbance of a nest until it is no longer active.

Fish species inhabiting Lake Tahoe would not be significantly affected either directly or indirectly by project activities because appropriate Best Management Practices (BMPs) will be utilized throughout the period of construction to prevent the discharge of sediment, and overall project restoration goals focus on achieving long-term decreases in sediment discharge from Lake Forest Creek.

5. The proposed action will not significantly affect traffic or traffic patterns and circulation. The total vehicle trips per day (including hauling, construction workers, and equipment) will not exceed 100 trips per day, and these additional truck trips will not surpass the TRPA Level of Service Thresholds specified for SR 28.

Prior to construction, a traffic management/control plan will be developed by Placer County for approval by TRPA and Placer County. Elements of the plan will include appropriate use of signage, flaggers, traffic calming, and alternative routes to accommodate local and through traffic. In addition, Placer County will advise local residents regarding schedules for construction traffic detours through distribution of flyers in the area neighborhoods well in advance of construction initiation.

6. The proposed action will not significantly affect water quality. The project has been designed to improve water quality by restoring SEZ areas within the project and provide additional areas of sediment deposition within Lake Forest Creek. This will restore water quality functions within the project area and to waters discharging to Lake Tahoe. Through proper construction timing and the use of BMPs, potential affects to water quality will be less than significant. Prior to project construction, Placer County will obtain 401 Water Quality Certification, Lahontan Regional Water Quality Control Board (LRWQCB) storm water and dewatering permits, as well as exemption to the 100-year floodplain and SEZ prohibitions. This project will comply with guidelines and mitigation requirements for Sacramento District, General Permit 16. Placer County would be required to obtain an NDPES permit since one or more acres of land involving potential storm water discharges to surface waters would be disturbed.

Construction work will only occur when there are no flows in the channels to minimize the possibility of discharging soils disturbed during construction.

Temporary Sediment and Erosion Control BMPs such as silt fencing on vulnerable slopes, gravel bags for drain inlet protection, and turbidity curtains installed at channel outlets will be implemented to minimize soil erosion in the case of storm events during construction.

The project site will be winterized according to TRPA and LRWQCB Requirements at the end of each construction season.

To prevent areas of disturbed soil from contributing sediment to waters within the project area, disturbed areas will be revegetated.

In-channel construction activities will be limited to a period from July 1 to October 15 of each year. By observing this time restriction, in-channel work will be achieved during the dry season and the potential to encounter surface water or groundwater will be minimized.

7. The project would enhance wetland habitats and provide additional wetland areas through SEZ restoration.

8. The proposed action will not significantly affect soils. Erosion control is a primary objective of the restoration project, and numerous measures will be designed to stabilize soils and minimize future erosion. The majority of the LFECP's excavated soil will be reused for constructing low berms within the project area, and the remaining soil is planned to be utilized at a nearby roadway repair project. Soil areas disturbed due to project activities will be temporarily stabilized until vegetation becomes established. Through avoidance and mitigation strategies, including the use of proper BMPs, there will be no significant effects to soils within the LFECP area.

9. The proposed action will not significantly affect air quality. Fugitive dust emissions will be controlled by regular watering. All dust, dirt, and mud deposited by vehicles and equipment on paved surfaces will be removed. The use of leaf blower machines to pick up and move sediment and other materials from streets and pathways is discouraged. All disturbed areas shall be adequately restabilized to minimize exposure of soil to wind and water erosion. Stockpiled and transported soil materials will be covered. Construction vehicles will be washed on a regular basis at vehicle wash stations to remove dust and debris before sediment can be transported onto public roadways. On-site vehicle speeds will be limited to 5 mph on unpaved roads. Work will be suspended when wind speeds exceed 25 mph or when dust created on-site is expected to move off-site. Placer County would be responsible for preparing a Fugitive Dust Control Plan prior to project construction.

The temporary emissions of pollutants due to vehicle and mechanized equipment operation, as well as paving/asphalt operations, will be reduced by measures such as avoiding diesel generators, using low emission stationary and mobile equipment, limiting diesel warm-up and idle times, and having a regular equipment tuning and maintenance program.

10. The proposed action will have no effect on historic properties since all known cultural resources will be avoided. The U.S. Forest Service (USFS) assumed lead agency status for, and completed, Section 106 compliance for the erosion control project pursuant to the terms of the State Protocol Agreement Between the USFS and the California State Historic Preservation Officer for Compliance with Section 106 of the National Historic Preservation Act for Undertakings in the Pacific Southwest Region (Protocol Agreement). The activities subject to Reclamation funding have been

considered during the USFS's Section 106 compliance efforts.

Reclamation notified the State Historic Preservation Officer on September 17, 2009 that Reclamations' responsibilities under Section 106 of the National Historic Preservation Act have been fulfilled given that the USFS completed Section 106 compliance pursuant to the terms of their Protocol Agreement.

11. The proposed action will not affect any Indian Trust Assets (ITA's). The nearest ITA to the project location is a Public Domain Allotment approximately 32 miles south south east of the project area.

12. The proposed action will not disproportionately impact minority and disadvantaged populations or communities. There are no minority or low-income populations in or around the project area.

13. The proposed action will not contribute to any significant cumulative effects but will act to restore degradation caused by previous development activities. The negative effects of previous development activities include but are not limited to: stream course alteration, wet-meadow desiccation, soil and vegetation disturbance, and loss of runoff infiltration capacity. Cumulatively, these activities have contributed to decreased water quality, erosion problems, and loss of habitat for a wide variety of organisms.

14. There is no potential for the effects to be considered highly controversial. Only one comment was received on the draft EA.